

2011 FEB 28 PM 10:50 AM (PST)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT A. CORRY,

Civ. No. 09-6322-TC

Plaintiff,

ORDER

v.

MARION COUNTY, et al.,

Defendants.

Aiken, Chief Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on May 18, 2011. Magistrate Judge Coffin recommends that defendants' motion to dismiss be granted for insufficient service and potential fraud upon the court by plaintiff. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's

report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff filed timely objections to the Findings and Recommendation. Upon de novo review of Magistrate Judge Coffin's Findings and Recommendation, I agree with Judge Coffin's findings.

The court previously provided plaintiff with an extension of time and specific instructions regarding the process to effectuate service. Rather than follow those instructions, plaintiff served the defendants himself while indicating on his returns of service that another individual had served the defendants. See docs. 45-49; Lurtz Decl. (doc. 54); Ritchie Decl.; McVey Decl. Thus, not only is service insufficient, plaintiff has provided false information on documents filed with the court.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 68) filed May 18, 2011 is ADOPTED in its entirety. Defendants' Motion to Dismiss (doc. 52) is GRANTED, plaintiff's motions to amend summons and to proceed (docs. 59, 63) are DENIED, and this case is DISMISSED.

IT IS SO ORDERED.

Dated this 26 day of July, 2011.



Ann Aiken
United States District Judge